

TOWN BOARD OF THE TOWN OF PINE PLAINS

**RESOLUTION ACCEPTING LOCAL LAW NO. 3 OF THE YEAR 2023 TITLED: “A
LOCAL LAW ENACTING AN EIGHT MONTH MORATORIUM ON THE
PROCESSING AND APPROVAL OF APPLICATIONS FOR TIER 3 SOLAR
FACILITIES**

WHEREAS, the Town of Pine Plains, on or about October 20, 2022, adopted Local Law No. 3 of the Year 2022 titled: “ A Local Law Amending Portions of Chapter 275 of the Town Code with Regard to the Regulation of Solar Installations”, which was codified as Chapter 275 of the Town Code; and

WHEREAS, Chapter 275 of the Town Code provided for a three tier approval process for solar photovoltaic installations - Tier 1 for approval of accessory roof mounted solar installations; Tier 2 for accessory ground mounted solar PV installations; and Tier 3 for large-scale solar installations; and

WHEREAS, Tier 3 solar facilities are subject to special permit and site plan approval from the Planning Board in accordance with the provisions of the Town Code; and

WHEREAS, to date the Town has received one application for a Tier 3 facility, which is being reviewed pursuant to Chapter 275 of the Town Code in accordance with the amendments to the Code enacted by Local Law No. 3 of the Year 2022; and

WHEREAS, the Town Board is concerned that evolving technology and the requirements for locating Tier 3 solar facilities within the Town indicates that additional applications for Tier 3 facilities may be filed in the future and the Town Board is concerned about the impact that such future increased demands may have upon the Town; and

WHEREAS, the Town Board wants to ensure that the current provisions of Chapter 275 of the Town Code and other applicable sections of the Town’s land use regulations have suitable standards with reference to siting and approval of such Tier 3 solar applications which will prevent the proliferation of such facilities in the Town and will protect the Town’s predominantly rural, agricultural and forest land with regard to the siting of such Tier 3 facilities; and

WHEREAS, the Town Board has determined that as a result of the foregoing, it would be in the best interests of the Town and its citizens to place a moratorium on future applications for Tier 3 solar facilities until such time as the Town Board can review its current Zoning Code and Land Use Regulations and, if necessary, consider appropriate modifications or changes to the current laws with regard to the siting and approval of Tier 3 solar facilities; and

WHEREAS, it is anticipated that this process will take approximately eight (8) months; and

WHEREAS, this Local Law is designed to protect the health, safety and welfare of the Town of Pine Plains and its residents and to maintain the status quo to give the Town sufficient

time to study and, if appropriate, make required amendments to its Town Code and the Town's other land use regulations for Tier 3 solar facilities; and

WHEREAS, this Local Law is a Type II action under SEQRA 6 NYCRR Part 617.5(36) and is not subject to environmental review.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby schedules a public hearing on said Local Law for July 20, 2023 at 7:10 p.m. at the Pine Plains Town Hall located 3284 Route 199, Pine Plains, New York; and be it further

RESOLVED, that the Town Clerk is directed to post notice of this Local Law and this Resolution on the Town of Pine Plains official sign board and on its website and to make a copy of the Local Law available to the public at the office of the Town Clerk during regular business hours and publish notice of said public hearing in the Town's official paper at least ten (10) days prior; and be it further

RESOLVED, that the Town Clerk is directed to send a copy of this Resolution and the proposed Local Law to the Town of Pine Plains Planning Board for review and comment in accordance with the provisions of the Town Code and to the Dutchess County Department of Planning and Development for its review pursuant to the provisions of General Municipal Law §239-m; and be it further

WHEREAS, that the Town Clerk is directed to publish notice of said public hearing in the Town's official paper no less than ten (10) days prior to said public hearing.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on June 27, 2023 which resulted as follows:

Supervisor Walsh	<u>Aye</u>
Councilman Ambrose	<u>Aye</u>
Councilman Bartles	<u>Absent</u>
Councilwoman Jones	<u>Aye</u>
Councilman Zick	<u>Aye</u>

The Resolution was thereupon declared duly adopted.

MADELIN DAFOE, TOWN CLERK